



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUDGET OFFICE
One Capitol Hill
Providence, R.I. 02908-5886

Memorandum

To: The Honorable Steven M. Costantino
Chairman, House Finance Committee

The Honorable Daniel DaPonte
Chairman, Senate Finance Committee

From: Rosemary Booth Gallogly
Executive Director/State Budget Officer

Date: March 16, 2009

Subject: Amendment to Article 18 of the FY 2010 Appropriation Act (09-H-5983)

The Governor requests that Article 18, Relating to Motor Vehicle Restraints, of the FY 2010 Appropriations act be replaced with the attached version. The original version submitted with the FY 2010 Appropriations Act erroneously included an older version of law in one of the subsections. The revised language is indicated by shading.

If you have any questions regarding this amendment to Article 18, feel free to call me at 222-6300, or Janis Loiselle of the Department of Transportation at 222-3024 x4436.

RBG: sm 09-125

cc: Michael O'Keefe
Peter Marino
Brian Stern
Gregory Stack
Mike Cronan
Tim Costa

1 passenger is properly wearing a safety belt and/or shoulder harness system, as defined by
2 Federal Standard 208.

3 (2) Any operator of a motor vehicle under eighteen (18) years old shall properly wear
4 a safety belt and/or shoulder harness system.

5 (3) This subsection applies only to those motor vehicles required by federal law to
6 have safety belts.

7 (c) (1) Any person deemed in violation of subsection (a) of this section shall be issued
8 a citation. If the cited person presents proof of purchase of a federally approved child restraint
9 system under Standard 213 to the issuing police department within seven (7) days of issuance,
10 the department shall void the violation. If the individual fails to present proof of purchase, he or
11 she shall be required to appear for a hearing before the traffic tribunal, and shall be fined as
12 provided in § 34-41.1-4 for each offense, and it shall not be recorded on the person's driving
13 record within the rules and regulations governing chapter 41.1 of this title.

14 (2) Any person violating subsection (b) of this section shall be fined as provided in §
15 ~~31-41.1-4~~ thirty dollars (\$30.00) for each offense. The conviction shall not be recorded on that
16 person's driving record within the rules and regulations governing chapter 41.1 of this title.

17 (d) Notwithstanding the provisions of subsection (a) of this section, any person
18 transporting a child properly restrained in a federally approved child restraint system under
19 Federal Standard 213, but transporting the child in a place other than a rear seating position, in
20 violation of subsection (a) of this section, shall be subject only to the fine contained in
21 subdivision (c)(2) of this section.

22 (e) All fines collected for violations of this section shall be payable to the state of
23 Rhode Island. Fifty percent (50%) of the proceeds shall be shared with the municipality whose
24 law enforcement department issued the citation for the violations.

1 (f) (1) Any operator of a motor vehicle transporting a person eighteen (18) years of age
2 and older in any seating position of a motor vehicle operated on the roadways, streets or
3 highways of this state shall ensure that the person be properly wearing a safety belt and/or
4 shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

5 (2) The provisions of this subsection shall apply only to those motor vehicles required
6 by federal law to have safety belts.

7 (g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a
8 safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard
9 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

10 (2) The provisions of this subsection shall apply only to those motor vehicles required
11 by federal law to have safety belts.

12 (h) In no event shall failure to be properly restrained by a child restraint system or
13 safety belt be considered as negligence, nor the failure to be properly restrained by the child
14 restraint system or safety belt be admissible as evidence in the trial of any civil action.

15 (i) The provisions of subsections (b), (f) and (g) of this section shall not apply to a
16 driver or passenger of:

17 (1) A passenger motor vehicle manufactured before July 1, 1966;

18 (2) A passenger motor vehicle in which the driver or passenger possesses a written
19 verification from a licensed physician that the driver or passenger is unable to wear a safety seat
20 belt system for physical or medical reasons. The verification time period shall not exceed
21 twelve (12) months at which time a new verification may be issued;

22 (3) A passenger motor vehicle which is not required to be equipped with a safety seat
23 belt system under federal laws; or (4) A passenger motor vehicle operated by a letter carrier of
24 the United States Postal Service while performing the duties of a letter carrier.

1 (j) A program of public information and education designed to educate the motoring
2 public to the benefits of wearing safety belt systems, shall be developed by the department of
3 transportation's governor's office on highway safety. The department of transportation's office
4 on highway safety, in cooperation with the department of health, shall study the effectiveness of
5 the implementation of this section and shall submit to the general assembly a report containing
6 its findings by July 1, 1999.

7 ~~(k) Violations of subsections (f) and (g) of this section shall be considered secondary~~
8 ~~offenses and no motor vehicle may be stopped by any state or municipal law enforcement~~
9 ~~agency for failure of an operator or passenger to wear a safety belt system or for any violation~~
10 ~~of subsections (f) or (g) of this section; provided, that a motor vehicle may be stopped for~~
11 ~~failure to comply with the child restraint system as described in subsections (a) and (b) of this~~
12 ~~section.~~

13 ~~(k)~~ (k) Any person violating subsection (f) or (g) of this section shall be fined as
14 ~~provided in § 31-41.1-4~~ on or after July 1, 2009 shall be fined thirty dollars (\$30.00). Any
15 conviction for violating subsection (f) or (g) of this section shall not be recorded on that
16 person's driving record within the rules and regulations governing chapter 41.1 of this title.

17 (l) No person shall be stopped, inspected or detained solely to determine compliance
18 with subsection (f) or (g) of this section unless constitutional standards are satisfied.

19 (m) A law enforcement officer may not search a motor vehicle, its contents, the driver,
20 or a passenger solely because of a violation of subsection (f) or (g) of this section.

21 SECTION 2. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
22 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

23 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated
24 sections, listed in numerical order, correspond to the fines described. However, those offenses
25 for which punishments which may vary according to the severity of the offense, or punishment

1 which require the violator to perform a service, shall be heard and decided by the traffic
2 tribunal or municipal court. The following violations may be handled administratively through
3 the method prescribed in this chapter. This list is not exclusive and jurisdiction may be
4 conferred on the traffic tribunal with regard to other violations.

5 VIOLATIONS SCHEDULE

6	8-8.2-2	DOT, DEM, or other agency and department violations	\$85.00
7	24-10-17	Soliciting rides in motor vehicles	85.00
8	24-10-18	Backing up prohibited	85.00
9	24-10-20	Park and ride lots	85.00
10	24-12-37	Nonpayment of toll	100.00
11	31-3-12	Visibility of plates	85.00
12	31-3-18	Display of plates	85.00
13	31-3-32	Driving with expired registration	85.00
14	31-3-34	Failure to notify division of change of address	85.00
15	31-3-35	Notice of change of name	85.00
16	31-3-40	Temporary plates - dealer issued	85.00
17	31-4-3	Temporary registration - twenty (20) day bill of sale	85.00
18	31-10-10	Rules as to armed forces license	85.00
19	31-10-30	Driving on expired license	85.00
20	31-10-32	Notice of change of address	85.00
21	31-10.1-4	No motorcycle helmet (operator)	85.00
22	31-10.1-5	Motorcycle handlebar violation	85.00
23	31-10.1-6	No motorcycle helmet (passenger)	85.00
24	31-10.1-7	Inspection of motorcycle required	85.00
25	31-12-12	Local motor vehicle ordinance	85.00

1	31-13-04	Obedience to devices	85.00
2	31-13-6(3)(i)	Eluding traffic light	85.00
3	31-13-09	Flashing signals	85.00
4	31-13-11	Injury to signs or devices	85.00
5	31-14-1	Reasonable and prudent speed	95.00
6	31-14-03	Condition requiring reduced speed	95.00
7	31-14-09	Below minimum speed	95.00
8	31-14-12	Speed limit on bridges and structures	95.00
9	31-15-1	Leaving lane of travel	85.00
10	31-15-2	Slow traffic to right	85.00
11	31-15-3	Operator left of center	85.00
12	31-15-4	Overtaking on left	85.00
13	31-15-5(a)	Overtaking on right	85.00
14	31-15-6	Clearance for overtaking	85.00
15	31-15-7	Places where overtaking prohibited	85.00
16	31-15-8	No passing zone	85.00
17	31-15-9	One way highways	85.00
18	31-15-10	Rotary traffic islands	85.00
19	31-15-11	Laned roadway violation	85.00
20	31-15-12	Following too closely	85.00
21	31-15-12.1	Entering intersection	100.00
22	31-15-13	Crossing center section of divided highway	85.00
23	31-15-14	Entering or leaving limited access roadways	85.00
24	31-15-16	Use of emergency break-down lane for travel	85.00
25	31-15-17	Crossing bicycle lane	85.00

1	31-16-1	Care in starting from stop	85.00
2	31-16-2	Manner of turning at intersection	85.00
3	31-16-4	U turn where prohibited	85.00
4	31-16-5	Turn signal required	85.00
5	31-16-6	Time of signaling turn	85.00
6	31-16-7	Failure to give stop signal	85.00
7	31-16-8	Method of giving signals	85.00
8	31-16.1-3	Diesel vehicle idling rules	
9		first offense not to exceed	100.00
10		second and subsequent offense not to exceed	500.00
11	31-17-1	Failure to yield right of way	85.00
12	31-17-2	Vehicle turning left	85.00
13	31-17-3	Yield right of way (intersection)	85.00
14	31-17-4	Obedience to stop signs	85.00
15	31-17-5	Entering from private road or driveway	85.00
16	31-17-8	Vehicle within right of way, rotary	85.00
17	31-17-9	Yielding to bicycles on bicycle lane	85.00
18	31-18-3	Right of way in crosswalks	85.00 first violation
19		\$100.00 second violation and any subsequent violation	
20	31-18-5	Crossing other than at crosswalks	85.00
21	31-18-8	Due care by drivers	85.00
22	31-18-12	Hitchhiking	85.00
23	31-18-18	Right of way on sidewalks	85.00
24	31-19-3	Traffic laws applied to bicycles	85.00
25	31-19-20	Sale of new bicycles	85.00

1	31-19-21	Sale of used bicycles	85.00
2	31-19.1-2	Operating motorized bicycle on an interstate highway	85.00
3	31-19.2-2	Operating motorized tricycle on an interstate highway	85.00
4	31-20-1	Failure to stop at railroad crossing	85.00
5	31-20-2	Driving through railroad gate	85.00
6	31-20-9	Obedience to stop sign	85.00
7	31-21-4	Places where parking or stopping prohibited	85.00
8	31-21-14	Opening of vehicle doors	85.00
9	31-22-2	Improper backing up	85.00
10	31-22-4	Overloading vehicle	85.00
11	31-22-5	Violation of safety zone	85.00
12	31-22-6	Coasting	85.00
13	31-22-7	Following fire apparatus	85.00
14	31-22-8	Crossing fire hose	85.00
15	31-22-9	Throwing debris on highway - snow removal	85.00
16	31-22-11.5	Improper use of school bus	not to exceed five hundred dollars (\$500)
17			for each day of improper use
18	31-22-22(a)	No child restraint	85.00
19	31-22-22(a)	Child restraint/seat belt but not in any rear seating position	85.00
20	31-22-22(b), (f)	No seat belt – passenger	85.00 30.00
21	31-22-22(g)	No seat belt – operator	85.00 30.00
22	31-22-23	Tow trucks - proper identification	275.00
23	31-22-24	Operation of interior lights	85.00
24	31-23-1(b)(2)	U.S. department of Transportation motor	
25		carrier safety rules and regulations	Not less than \$85.00

1			or more than \$500.00
2	31-23-1(e)(6)	Removal of an "out of service vehicle" sticker	125.00
3	31-23-1(e)(7)	Operation of an "out of service vehicle"	100.00
4	31-23-2(b)	Installation or adjustment of unsafe or prohibited	
5		parts, equipment, or accessories:	(first offense) 250.00
6			(second offense) 500.00
7			(third and subsequent offenses) 1,000.00
8	31-23-4	Brake equipment required	85.00
9	31-23-8	Horn required	85.00
10	31-23-10	Sirens prohibited	85.00
11	31-23-13	Muffler required	85.00
12	31-23-13.1	Altering height or operating a motor vehicle	
13		with an altered height	85.00
14	31-23-14	Prevention of excessive fumes or smoke	85.00
15	31-23-16	Windshield and window stickers (visibility)	85.00
16	31-23-17	Windshield wipers	85.00
17	31-23-19	Metal tires prohibited	85.00
18	31-23-20	Protuberances on tires	85.00
19	31-23-26	Fenders and wheel flaps required	85.00
20	31-23-27	Rear wheel flaps on buses, trucks and trailers	85.00
21	31-23-29	Flares or red flag required over four thousand pounds (4,000 lbs.)	85.00
22	31-23-40	Approved types of seat belt requirements	85.00
23	31-23-42.1	Special mirror - school bus	85.00
24	31-23-43	Chocks required (1 pair) - over four thousand pounds (4,000 lbs.)	85.00
25	31-23-45	Tire treads - defective tires	85.00

1	31-23-47	Slow moving emblem required	85.00
2	31-23-49	Transportation of gasoline - passenger vehicle	85.00
3	31-23-51	Operating bike or motor vehicle	85.00 (first offense)
4		wearing ear phones	95.00 second offense
5		140.00 for the third and each subsequent offense	
6	31-24-1	Times when lights required	85.00
7	through		
8	31-24-54		
9	31-25-03	Maximum width of one hundred	
10		and two inches (102") exceeded	85.00
11	31-25-04	Maximum height of one hundred	
12		sixty-two inches (162") exceeded	85.00
13	31-25-06	Maximum number and length of	
14		coupled vehicles	500.00
15	31-25-07	Load extending three feet (3') front, six feet (6') rear exceeded	85.00
16	31-25-9	Leaking load	85.00
17	31-25-11	Connections between coupled vehicles	85.00
18	31-25-12	Towing chain, twelve inch (12") square flag required	85.00
19	31-25-12.1	Tow truck - use of lanes (first offense)	85.00
20		second offense	95.00
21		100.00 for the third and each subsequent offense	
22	31-25-14(d)(1)	Maximum weight and tandem axles	125.00
23	31-25-14(d)(2)	Maximum weight and tandem axles	125.00
24	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
25	31-25-16(c)(2)	Maximum weight shown in registration	85.00 per thousand lbs.

1			overweight or portion thereof.
2	31-25-16(c)(3)	Maximum weight shown in registration	125.00 per thousand lbs.
3			overweight or portion thereof.
4	31-25-16(c)(4)	Maximum weight shown in registration	1,025.00 plus
5			\$125.00 per thousand pounds
6			overweight or portion thereof.
7	31-25-17	Identification of trucks and truck-tractors	
8		(first offense)	85.00
9		(second offense)	95.00
10			125.00 for the third and subsequent offenses
11	31-25-24	Carrying and inspection of excess load limit	175.00
12	31-25-27(c)	Maximum axle	3,000.00 (first offense) not to exceed
13			5,000.00 for each and every subsequent offense
14	31-25-30	Maximum axle Pawtucket River	3,000.00 (first offense) not to exceed
15		Bridge and Sakonnet River Bridge	5,000.00 for each and every
16			subsequent offense
17	31-27-2.3	Refusal to take preliminary breath test	85.00
18	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
19	31-28-7(f)	Handicapped parking space violation:	
20		First offense	100.00
21		Second offense	175.00
22		Third offense and subsequent offenses	325.00
23	31-28-7.1(e)	Wrongful use of institutional handicapped parking placard	125.00
24	31-33-2	Failure to file accident report	85.00
25	31-36.1-17	No fuel tax stamp (out-of-state)	85.00 and not exceeding (\$100)

1			for subsequent offense
2	31-38-3	No inspection sticker	85.00
3	31-38-4	Violation of inspection laws	85.00
4	31-47.2-6	Heavy-duty vehicle emission inspections:	
5		First offense	125.00
6		Second offense	525.00
7		Third and subsequent offenses	1,025.00
8	37-15-7	Littering	not less than 55.00

9 not more than five hundred dollars (\$500)

10	39-12-26	Public carriers violation	300.00
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11 SPEEDING Fine

12 **SPEEDING** **Fine**

13 (A) One to ten miles per hour (1 -10 mph)

14 in excess of posted speed limit \$95.00

15 (B) Eleven miles per hour (11 mph) in excess

16 of posted speed limit with a fine of

17 ten dollars (\$10.00) per mile in excess

18 of speed limit to be assessed 205.00 minimum

19 (b) In addition to any other penalties provided by law, a judge may impose the

20 following penalties for speeding:

21 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed
 22 limit on public highways, a fine as provided for in subsection (a) of this section for the first
 23 offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second
 24 offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile
 25 for each mile in excess of the speed limit for the third and any subsequent offense if within

1 twelve (12) months of the first offense. In addition, the license may be suspended up to thirty
2 (30) days.

3 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
4 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for
5 the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for
6 the second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00)
7 per mile for each mile in excess of the speed limit for the third and subsequent offense if within
8 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty
9 (60) days.

10 (c) Any person charged with a violation who pays the fine administratively pursuant to
11 chapter 8.2 of title 8 shall not be subject to any additional costs or assessments, including, but
12 not limited to, the hearing fee established in section 8-18-4 or assessment for substance abuse
13 prevention.

14 SECTION 3. This act shall take effect upon passage.
15